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April 15, 2005

Clerk of Court  
 United States District Court  
 District of Massachusetts  
 U.S. Courthouse  
 1 Courthouse Way, Room 2300  
 Boston, MA 02210

Re: Siegal v. Mascot Petroleum Company, Inc., a Subsidiary of  
 Sunoco, Inc. (R & M)  
Civil Action No.: 05-0352 10648-6-6

Dear Sir/Madam:

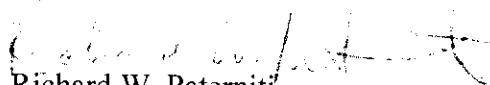
Enclosed for filing and docketing in the above matter, please find certified copies of the state court records.

Kindly date-stamp the enclosed copy of this letter and return it in the self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

JACKSON LEWIS LLP

  
 Richard W. Paterniti

RWP/ks  
 Enclosures  
 cc: David J. Kerman  
 Johannes Z. Zlahn

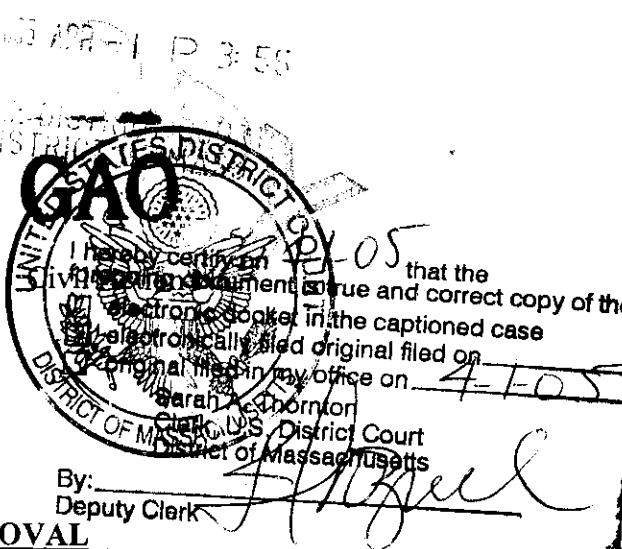
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SCOTT SIEGAL,

Plaintiff,

05 C. 10648  
vs.MASCOT PETROLEUM COMPANY, INC.  
A SUBSIDIARY OF SUNOCO, INC. (R & M)<sup>1</sup>

Defendant.

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

Defendant, Mascot Petroleum Company, Inc. a Subsidiary of Sunoco, Inc. (R & M) ("Sunoco"), respectfully submits that:

1. On or about March 17, 2005, Sunoco was served with a Summons and Complaint in a matter entitled Scott Siegal v. Mascot Petroleum Company, Inc. A Subsidiary of Sunoco, Inc. (R & M), Civil Action No. 05-0352, which was filed in Massachusetts Superior Court, Essex County. On March 17, 2005, Defendant also received a Tracking Order associated with this case.

2. The process, pleadings, and orders served upon Sunoco to date in this matter, copies of which are attached hereto as Exhibit A, are as follows:

- a. Summons;
- b. Complaint; and

<sup>1</sup> Defendant has been improperly named in this case as "Mascot Petroleum Company, Inc. a Subsidiary of Sunoco, Inc. (R & M)." In fact, Mascot Petroleum Company, Inc. is a division of Sunoco, Inc. (R&M).

THE COPY ATTACHED  
Paula T. McElroy  
CITY ASST. CLERK

Commonwealth of Massachusetts  
County of Essex  
The Superior Court

CIVIL DOCKET# ESCR2005-00352

Siegal

vs.

Mascot Petroleum Company Inc

---

ORDER OF TRANSFER (remand)

Pursuant to Massachusetts General Laws Chapter 231, Section 102C, as amended, and in accordance with Superior Court Rule 29, the above referenced case is ORDER transferring case to United States District Court

Dated at Lawrence, Massachusetts this 8th day of April, 2005.

Thomas H. Driscoll Jr.,  
Clerk of the Courts

BY: *Thomas H. Driscoll Jr.*  
Deputy Assistant Clerk

Telephone: (978) 687-7463

A TRUE COPY, *Deputy Assistant Clerk*  
*Deputy Asst. Clerk*  
DEPUTY ASST. CLERK

**CIVIL ACTION  
COVER SHEET**

Case 1:05-cv-10648-GAO

DOCKET NO. S

Document 4-3

Filed 04/18/05

Page 1 of 1

Commonwealth of Massachusetts  
Superior Court Department  
County: ESSEX



PLAINTIFF(S)

SCOTT SIEGAL

DEFENDANT(S)

MASCOT PETROLEUM COMPANY, INC.  
A SUBSIDIARY OF SUNOCO, INC. (R&M)

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Johannes Z. Zlahn, Regan Associates,  
Chartered, 45 School Street, 3rd Floor  
Boston, MA 02110 BBO# 565218-B  
Board of Bar Overseers number:

ATTORNEY (if known)

Origin code and track designation

Place an x in one box only:

- 1. F01 Original Complaint
- 2. F02 Removal to Sup.Ct. C.231,s.104  
(Before trial) (F)
- 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)
- 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B22 Employment Discrimination (F)  Yes  No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses .....	\$ .....
2. Total Doctor expenses .....	\$ .....
3. Total chiropractic expenses .....	\$ .....
4. Total physical therapy expenses .....	\$ .....
5. Total other expenses (describe) .....	\$ .....

Subtotal \$ .....

\$ 17,000.00

B. Documented lost wages and compensation to date .....	\$ .....
C. Documented property damages to date .....	\$ .....
D. Reasonably anticipated future medical and hospital expenses .....	\$ .....
E. Reasonably anticipated lost wages .....	\$ .....
F. Other documented items of damages (describe) .....	\$ .....

\$ 60,000.00

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)	\$ .....
--	----------

The Defendant discriminated against the Plaintiff on the basis of his race, in violation of Massachusetts General Laws Chapter 151B. This action is for \$ .....

\$ .....

**TOTAL \$ 77,000.00**

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

A TRUE COPY ATTEST

*Paula T. Melnick*  
DEPUTY ASST. ATT.

**TOTAL \$ .....**

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

None

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

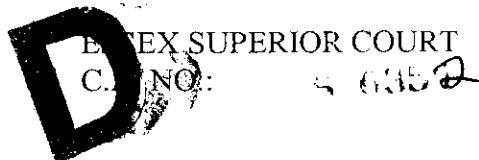
Signature of Attorney of Record

DATE: 3/1/05

4/18/05 GAO

## COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.



SCOTT SIEGAL,	*
Plaintiff	*
vs.	*
MASCOT PETROLEUM COMPANY., INC.	*
A SUBSIDIARY OF SUNOCO, INC. (R&M),	*
Defendant	*

**COMPLAINT AND JURY CLAIM****INTRODUCTION**

1. This civil action arises out of the employment of the Plaintiff, Scott Siegal (hereinafter "the Plaintiff") by the Defendant, Mascot Petroleum Company, Inc., a subsidiary of Sunoco, Inc. (R&M) (hereinafter "the Defendant"). The complaint is in two counts, seeking money damages and other relief on account of the Defendant's discriminatory treatment and termination of the Plaintiff. The claims include discrimination on the basis of race and unlawful/wrongful termination.

**THE PARTIES**

2. The Plaintiff is an adult residing at 9 Abbott Road, Gloucester, Essex County, Commonwealth of Massachusetts.
3. The Defendant is a corporation duly organized and existing under the laws of the State of Pennsylvania, with a principal place of business at Ten Penn Center, 1801 Market Street, Philadelphia, Pennsylvania.

**FACTUAL BACKGROUND**

4. The Plaintiff brings this action pursuant to the provisions of Massachusetts General Laws ("M.L.G.") Chapter 151B, Sections 4 and 9, for money damages to compensate him for the economic loss and other damages caused by the unlawful employment action taken against him by the Defendant because of his race.

A TRUE COPY, A TEST

*Paula T. McIninch*  
DEPUTY ASST. CLERK

5. On March 15, 2004, the Plaintiff filed a complaint with the Massachusetts Commission Against Discrimination (“MCAD”), alleging that the Defendant discriminated against him on the basis of his race by terminating his employment and replacing him with a member of another race.
6. The Plaintiff brings this action after more than ninety (90) days have elapsed from the time he originally filed his complaint of discrimination with the MCAD. Thus, the Plaintiff has satisfied all prerequisites to suit under M.G.L. Chapter 151B.
7. The Plaintiff began his employment with the Defendant in December, 2002 as a sales associate. From the date of his employment until April 8, 2003, the Plaintiff performed his job responsibilities satisfactorily and received no warnings, reprimands, or suspensions.
8. In or about February, 2003, a co-worker told the Plaintiff that an individual named Ishmael was returning to the United States “to get his job back.” The co-worker then said to the Plaintiff “watch your back I’ve seen this sort of thing before, people will be falsely accused. One of us will be fired.”
9. On April 8, 2003, the Plaintiff was involved in an accident and suffered back injury. Although he was experiencing pains in his back, the Plaintiff went to work on that day. Approximately two hours after he began his shift, the Plaintiff experienced increased pains and went to the hospital.
10. When he returned from the hospital on April 8, 2003, the Plaintiff provided his manager with a doctor’s note, advising that the Plaintiff must remain out of work for two days.
11. On April 10, 2003, the Plaintiff was reevaluated by his doctor and was ordered to remain out of work until April 14, 2003. After another reevaluation of the Plaintiff on May 5, 2003, his doctor ordered him to remain out of work until May 11, 2003.
12. On May 6, 2003, the Plaintiff’s manager terminated his employment on the ground that he had a cash shortage of \$23.00.
13. On information and belief, Ishmael is a Pakistani Muslim and the Plaintiff’s manager is an Egyptian Muslim.
14. Two days after the Plaintiff was terminated by the Defendant, Ishmael was hired to replace the Plaintiff.
15. In or about May, 2003, the Plaintiff filed a complaint with the Defendant’s ethics department, alleging that his manager had discriminated against him on the basis of his race. The Defendant promised to conduct an investigation and furnish the Plaintiff with its findings but failed to do so.

16. On information and belief, the Plaintiff was terminated in order for Ishmael to be employed.
17. On information and belief, the Plaintiff was terminated because he is a white person and the manager wanted to place him, and did replace him, with a nonwhite person.

**COUNT I—M.G.L. c. 151B-DISCRIMINATION BASED ON RACE**

18. The Plaintiff adopts and incorporates by reference paragraphs 1 through 17 of his complaint as set forth in full.
19. The Defendant, through the actions of its agents and employees acting within the course and scope of their employment, discriminated against the Plaintiff based on his race and national origin by terminating his employment, in violation of M.G.L. c. 151B.
20. As a direct result and foreseeable consequence thereof, the Plaintiff suffered loss of income and employment benefits, suffered other pecuniary and non-pecuniary losses and suffered humiliation, embarrassment and emotional and mental distress.
21. The Defendant, through the actions of its agents and employees acting within the course and scope of their employment, committed the above-described acts maliciously, with the wrongful intention of injuring the Plaintiff, and acted with improper and evil motive amounting to malice, and in conscious disregard of the Plaintiff's rights.
22. Because the actions taken towards the Plaintiff were carried out in a despicable, deliberate, cold, callous and intentional manner, with malice in order to injure the Plaintiff, the Plaintiff is entitled to punitive damages in an amount to be determined at trial.

**WHEREFORE**, the Plaintiff demands judgment against the Defendant on each count, and demands that damages be established and Plaintiff be awarded same, together with costs, interest and reasonable attorney's fees.

**COUNT II—UNLAWFUL/WRONGFUL TERMINATION**

23. The Plaintiff adopts and incorporates by reference paragraphs 1 through 22 of his complaint as set forth in full.
24. During the course of his employment with the Defendant, the Plaintiff performed his job responsibilities in a satisfactory manner and otherwise capably performed all tasks assigned to him.

25. The Defendant, through the actions of its agents and employees acting within the course and scope of their employment, unlawfully and wrongfully terminated the Plaintiff's employment in order to replace him with a nonwhite person. The Plaintiff's termination was unlawful and wrongful because it was based on his race.
26. As a direct result and foreseeable consequence thereof, the Plaintiff suffered loss of income and employment benefits, suffered pecuniary and non-pecuniary losses and suffered emotional and mental distress.

**WHEREFORE**, the Plaintiff demands judgment against the Defendant on each count and demands that damages be established and the Plaintiff be awarded same, together with costs, interest and reasonable attorney's fees.

Plaintiff, Scott Siegal  
By his attorney,

Regan Associates, Chartered



Johannes Z. Zlahn (BBO# 565218-B)  
45 School Street, Third Floor  
Boston, MA 02108  
(617) 367-1100, Ext. 710

## ESCV2005-00352

## Siegal v Mascot Petroleum Company Inc

File Date	03/02/2005	Status	Disposed: transferred to other court (dtrans)
Status Date	04/08/2005	Session	D - Civil-CtRm 2 (Lawrence)
Origin	1	Case Type	B22 - Employment Discrimination
Lead Case		Track	F

Service	05/31/2005	Answer	07/30/2005	Rule 12/19/20	07/30/2005
Rule 15	07/30/2005	Discovery	12/27/2005	Rule 56	01/26/2006
Final PTC	02/25/2006	Disposition	04/26/2006	Jury Trial	Yes

## PARTIES

## Plaintiff

Scott Siegal  
Gloucester, MA 01930  
Active 03/02/2005

Private Counsel 565218  
Johannes Z Zlahn  
45 School Street Third Floor  
Boston, MA 02108  
Active 03/02/2005 Notify

## Defendant

Mascot Petroleum Company Inc  
Ten Penn Center  
1801 Market Street  
Philadelphia, PA 19019  
A Subsidiary of Sunoco Inc R&M  
Served: 03/07/2005  
Served (answr pending) 03/07/2005

## ENTRIES

Date	Paper	Text
03/02/2005	1.0	Complaint & civil action cover sheet filed
03/02/2005		Origin 1, Type B22, Track F.
03/07/2005	2.0	SERVICE RETURNED: Mascot Petroleum Company Inc(Defendant) certified mail, return receipt
04/08/2005	3.0	Certified copy of notice of removal filed 4/7/05
04/08/2005	4.0	ORDER transferring case to United States District Court
04/08/2005		Case REMOVED this date to US District Court of Massachusetts

## EVENTS

A TRUE COPY. A. MELNICK



DEPUTY ASST. CLERK

## Commonwealth of Massachusetts

County of Essex  
The Superior Court

CIVIL DOCKET# ESCV2005-00352-D

RE: Siegal v Mascot Petroleum Company Inc et al

TO: Johannes Z Zlahn, Esquire  
45 School Street Third Floor  
Boston, MA 02108**TRACKING ORDER - F TRACK**

You are hereby notified that this case is on the **fast (F) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION****DEADLINE**

Service of process made and return filed with the Court	05/31/2005
Response to the complaint filed (also see MRCP 12)	07/30/2005
All motions under MRCP 12, 19, and 20 filed	07/30/2005
All motions under MRCP 15 filed	07/30/2005
All discovery requests and depositions completed	12/27/2005
All motions under MRCP 56 served and heard	01/26/2006
Final pre-trial conference held and firm trial date set	02/25/2006
Case disposed	04/26/2006

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to session D sitting in CtRm 2 (Lawrence) at Essex Superior Court.

Dated: 03/03/2005

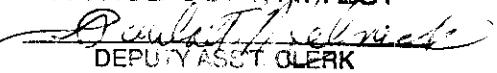
Thomas H. Driscoll Jr.  
Clerk of the CourtsBY: Philip Massa  
Assistant ClerkLocation: CtRm 2 (Lawrence)  
Telephone: (978) 687-7463

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

Check website as to status of case: <http://ma-trialcourts.org/tcic>

cvdtrack\_2.wpd 5/30/2006 inidoc01 exarhose

A TRUE COPY, ATTEST

  
DEPUTY ASST CLERK